

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

DONALD RAY DANIEL, #311 112,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 1:18-CV-391-WHA
	)	[WO]
JOSH RAFFERTY, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

On October 17, 2018, the Magistrate Judge filed a Recommendation to which no timely objection have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is

ORDERED and ADJUDGED that the Recommendation of the Magistrate Judge (Doc. 18) be and is hereby ADOPTED, and this case be and is hereby DISMISSED as follows:

1. Defendants' motion to dismiss (Doc. 15) is GRANTED to the extent Defendants seek dismissal of this case due to Plaintiff's failure to properly exhaust an administrative remedy prior to filing this case;

2. This case is DISMISSED with prejudice in accordance with the provisions of 42 U.S.C. § 1997e(a) for Plaintiff's failure to properly exhaust an administrative remedy before seeking relief from this court.

3. No costs are taxed.

A Final Judgment will be entered separately.

Done, this 9<sup>th</sup> day of November 2018.

/s/ W. Harold Albritton  
W. HAROLD ALBRITTON  
SENIOR UNITED STATES DISTRICT JUDGE